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Attorneys for Defendants/Claimants,

AVADIS MGERIAN; \$182,620.00 IN U.S. CURRENCY AND SALPI AUSSOU

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES,

Plaintiff

vs.

\$182,620 IN UNITED STATES CURRENCY

Case No.: 19-CV-823-NJR

**VERIFIED ANSWER TO VERIFIED
COMPLAINT SEEKING FORFEITURE**

Defendants and Claimants, AVADIS MGERIAN; \$182,620.00 IN U.S. CURRENCY AND SALPI AUSSOU, (hereinafter collectively referred as Defendants”) by and through their counsel, hereby file their answer and affirmative defenses to Plaintiff’s Verified Complaint for Forfeiture and admits, denies and responses as follows:

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Nature of Action:

1. Answering Paragraph 1 of the Complaint Defendants admit that this is a complaint, which alleges the matters asserted, and nothing more is admitted.
2. Answering Paragraph 2, Defendants admit that the court has jurisdiction.
3. Answering Paragraph 3, Defendants admit that the matter is dispute is the describe currency.
4. Answering Paragraph 4, Defendants admit that the described traffic stop and seizure occurred.
5. Answering Paragraph 5, Defendants admit the description and placement of the Property.
6. Answering Paragraph 6, that one paragraph refers to a multiple page attachment. Defendants deny that the allegations in the multiple page statement are true and correct and they do not believe that a single paragraph in the complaint with such multiple page attachment is properly presented in the verified complaint to merit response.
7. Answering Paragraph7, Defendants deny that paragraph in its entirety.
8. Answering Paragraph 8, Defendants admit the government's possession of the property.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE [Failure to State a Cause of Action]

The Complaint for forfeiture fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE [Estoppel] 53. This Court lacks jurisdiction pursuant to 18 U.S.C. § 924 because the government has failed to adequately establish drugs were involved.

THIRD AFFIRMATIVE DEFENSE [Good Faith] 55. The Government is estopped from obtaining a forfeiture judgment because it obtained the seizure warrant through incorrect, misleading, or incomplete allegations.

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FOURTH AFFIRMATIVE DEFENSE [Innocent Owner] 56. Claimant acted in good faith at all times relevant to the Complaint.

FIFTH AFFIRMATIVE DEFENSE [Bad Faith] 57 Defendant, as an innocent owner, did not know, or have reason to know, that the property in question was being employed or was likely to be employed in criminal activity.

SIXTH AFFIRMATIVE DEFENSE [Bad Faith] 58. The Government cannot obtain a forfeiture judgment because it has not acted in good faith.

SEVENTH AFFIRMATIVE DEFENSE 59 (4th Amendment) Plaintiff's seizure of the defendant property violates the Claimant's Fourth Amendment right to be free from illegal searches and seizures.

WHEREFORE, this answering Defendant respectfully prays that the Court will: a. Dismiss the Government's Complaint and enter judgment on behalf of the Defendant; b. Deny issuance of a certificate of probable cause pursuant to 28 U.S.C.A. § 2465 and award cost and attorney's fees to the Defendant; and c. Provide such relief as the Court deems proper and just.

Dated January 08, 2020

TAHMAZIAN LAW FIRM, PC

By: 

Gilbert Tahmazian, Esq.
for all Defendants and Claimants

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VERIFICATION

I, AVADIS MGERIAN, hereby verify and declare under penalty of perjury that I have read the foregoing Verified Answer to Verified Complaint for Forfeiture and know the contents thereof, and that the matters contained in the Answer are true to the best of my knowledge, information, and belief. I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

1/9/2020

Date



Avadis Mgerian